

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

THOMPSON'S GAS & ELECTRIC)
SERVICE, INC., a Maryland corporation,)
REGIONS PROPANE-ALABAMA, LLC, an)
Alabama Limited Liability Company,)
SUBURBAN GAS PROPANE PARTNERS,)
LLC, a Maryland Limited Liability)
Company, SHELBY PROPANE GAS)
COMPANY, INC., an Alabama corporation,)
and DEUPREE GAS, INC., an Alabama)
corporation,

Plaintiffs,
v.

BP PRODUCTS NORTH AMERICA, INC.,)
DONALD CAMERON BYERS, MARTIN)
MARZ, JAMES SUMMERS, MARK)
RADLEY, DENNIS ABBOTT, and CODY)
CLABORN,

Defendants.

Case No. 08-CV-2693

Judge James B. Moran

Magistrate Judge Arlander Keys

NOTICE OF MOTION

TO: Stephen W. Heil
John P. Palumbo
Cray Huber Horstman Heil & VanAusdal LLC
303 West Madison Street
Suite 2200
Chicago, Illinois 60606

PLEASE TAKE NOTICE that on July 3, 2008, at 9:15 A.M., or as soon thereafter as counsel may be heard, counsel for Defendant Donald Cameron Byers shall appear before the Honorable Judge Milton I. Shadur, or any Judge or Magistrate Judge sitting in his stead, in the courtroom normally occupied by him in the United States District Court for the Northern District of Illinois, Eastern Division, 219 South Dearborn Street, Chicago, Illinois, and shall then present

the concurrently filed **AGREED MOTION FOR EXTENSION OF TIME FOR DONALD CAMERON BYERS TO ANSWER OR OTHERWISE RESPOND TO PLAINTIFFS' COMPLAINT** which was filed with the Court and served on counsel of record on June 25, 2008.

DATED: June 25, 2008

Respectfully submitted,

/s/ Michael L. McCluggage

Michael L. McCluggage
Tracy A. Hannan
Wildman, Harrold, Allen & Dixon LLP
225 West Wacker Drive
Suite 3000
Chicago, Illinois 60606
Telephone: (312) 201-2548
Facsimile: (312) 416-4769

Attorneys for Defendant Donald Cameron Byers

CERTIFICATE OF SERVICE

I hereby certify that on June 25, 2008, I caused a true and correct copy of the foregoing **NOTICE OF MOTION** to be filed electronically and a true and correct copy served upon the following counsel of record in the manner indicated:

By Operation of the Court's ECF System

Stephen W. Heil
John P. Palumbo
Cray Huber Horstman Heil & VanAusdal LLC
303 West Madison Street
Suite 2200
Chicago, Illinois 60606

/s/ Michael McCluggage

Michael McCluggage